

[ORIGINAL]

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALBERT HENRY CORLISS,
Plaintiff,

v.

CIVIL ACTION NO.
04-10834-DPW

CITY OF FALL RIVER and
DOES 1-10

PETITION TO AMEND COMPLAINT

COMES NOW the plaintiff, Albert Henry Corliss, who firstly apologizes to the Court for attempting to amend the aforementioned Complaint without Court approval now petitions District Court Judge Douglas P. Woodlock to amend the original complaint or to have a hearing on the subject.

I. BACKGROUND:

1. The original complaint was dismissed on or about October 13, 2004 for lack of subject matter. On or about July 5, 2005 the original complaint, plus a federal charge, was dismissed for lack of timeliness. The Appeals Court agreed with the dismissal but with "dictum" indicated an Amendment could be possible, but was not asked for.

II. ISSUE:

2. Is it possible, at this date, for the original complaint to be amended?

III. RULE OF LAW:

3. Justice Woodlock has indicated in his Memorandum and Order of November 1,

2005 page 8, “(that) federal courts must apply the basic state statute of limitations to subsection 1983 claims, the Court held not only is the length of the limitations period to be governed by state law, so too are the closely related questions of tolling and application. Wilson v. Garcia, 471 U.S. 261, 269 (1985).”

IV. MASSACHUSETTS LAW:

4. Our subject aptly fits:

[Mass. R. Civ. Pro. 15 (c)] AMENDMENTS and RELATIONS BACK
An amendment to a pleading which raises a new claim or defense which arises out of the conduct, transaction, or occurrence set forth in the original pleading “relates back” to the original pleading. This means such an amendment is not barred by the Statute of Limitations as long as the original pleading was timely filed.

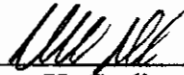
V. ARGUMENT:

5. Our case seems to be a perfect fit. The original case was timely filed, the parties conduct, transactions, and occurrence are the same, notice was given and there is no problem with the Statute of Limitations as, by law, we “relate back” to the original filing.

WHEREFORE the plaintiff seeks Justice Woodlock permission to amend or moves the court to allow a hearing on the subject.

Dated: September 5, 2006

Respectfully submitted,



Albert H. Corliss
“Pro Se”